

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

Staff will endeavor to ensure that no student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. (cf. 5145.2 - *Freedom of Speech/Expression*)

Strategies for bullying prevention and intervention shall be developed in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans, as required by law. (cf. 0420 - *School Plans/Site Councils*) (cf. 0450 - *Comprehensive Safety Plan*) (cf. 6020 - *Parent Involvement*)

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 - *Positive School Climate*)

The Board recognizes that some acts of bullying may be isolated and/or unintentional incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may indicate a larger pattern of bullying that require a response either at the classroom, school site, or district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of bullying may range from behavioral intervention and education up to and including suspension or expulsion. This policy applies to all acts related to school activity or attendance occurring within a school under the jurisdiction of the superintendent of the school district. In addition to the grounds specified in Education Code sections 48900, sections 48900.2, 48900.3, and 48900.4 provide additional authority to discipline a pupil for conduct that amounts to bullying. (*Ed Code 48900, 48900.2, 48900.3 and 48900.4*) (*cf. 5131 - Conduct*) (*cf. 5145.3 - Nondiscrimination/Harassment*) (*cf. 5145.7 - Sexual Harassment*)

Penal Code 653.2 makes it a crime to distribute personal identity information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages). **Penal Code 288.2** makes it a crime to send a message to a minor if the message contains matter that is sexual in nature with the intent of seducing the minor (i.e., sexting). The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior. (*cf. 6163.4 - Student Use of Technology*) (*cf. 6142.8 - Comprehensive Health Ed*)

School staff may receive related staff development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. (*cf. 4131, 4231, 4331 - Staff Development*) Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Definitions: *"Bullying" is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils that constitutes sex harassment, hate violence or creates an intimidating or hostile educational environment, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:*

- Placing a reasonable pupil or pupils in fear of harm to that pupil's person or property.*
- Causing a reasonable pupil or pupils to experience a substantially detrimental effect on their physical or mental health.*
- Causing a reasonable pupil or pupils to experience a substantial interference with their academic performance.*
- Causing a reasonable pupil(s) to experience substantial interference with their ability to participate in or benefit from the services, activities or privileges provided by a school.*

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"Electronic act" is defined as the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

-a message, text, sound, or image.

-post on a social network Internet Web site, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed under the above definitions.

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed under the above definitions. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed under the above definitions. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

"Reasonable pupil" is defined as a pupil, including, but not limited to an exceptional needs pupil, who exercises average care, skill and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her exceptional needs {EC 48900 (r)}.

Indicators of Discriminating, Intimidating Harassing and Bullying Behaviors

Behaviors may include, but are not limited to the following:

-verbal: hurtful name-calling, teasing, gossiping, threats, slurs, epithets, rude noises, rumors

-nonverbal: posturing, intimidating or threatening gestures or notes, staring, stalking

-physical: hitting, punching, pushing, shoving, poking, kicking, tripping, fighting, or property destruction

-emotional (psychological): rejecting, defaming, humiliating, intimidating blackmailing,

isolating, manipulating or exerting peer pressure

-cyber-bullying: insulting, threatening messages involving intimidation as described above

Intervention

The school district has jurisdiction to respond to bullying behavior that is related to school activity or attendance and that occurs at any time, including, but not limited to school grounds, at a school sponsored activity, while traveling to or from school, on a school bus, or during the lunch period, whether on or off campus. {EC 48900(s)} Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized.

School staff that witnesses bullying shall intervene to stop the incident when it is safe to do so, and shall report the incident to the Principal as soon as practicable (*Ed Code 234.1*). When appropriate based on the severity or pervasiveness of the bullying, the Principal or designee shall notify the parents/guardians of victims and perpetrators. He/she may also involve a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for counseling, case management, and participation in a restorative justice program, as appropriate, and/or law enforcement.

Complaints and Investigation

The principal or designee shall be responsible for receiving complaints alleging violations of this policy. All staff is expected to provide appropriate supervision to enforce standards of conduct. The Board requires that staff follow district and school procedures for reporting alleged acts of bullying. All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

Students are expected to report all incidents of bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, other staff or the Principal. If the student who was bullied believes the situation has not been remedied, she/he may file a complaint in accordance with district procedures.

Complaints of bullying shall be investigated and resolved *according to the provisions of this policy and administrative regulation*. ~~While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each school or at the district office.~~

Reporting an Incident

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, or any other available school employee. Students, or parents, may report incidents of bullying either verbally or in written form to school staff. The communication shall include a description of the event(s) including date, time, location and witnesses, if any. The incident(s) shall be forwarded to the Superintendent or designee who shall investigate the incident(s). Reports may be made anonymously and must include the above descriptors, but formal disciplinary action may not be based solely on anonymous reports. Prompt and reasonable investigation of alleged acts of bullying is expected, and may include obtaining written statements from both the alleged victim and perpetrator, or from parents, staff or witnesses as deemed appropriate. Actions and consequences shall follow school guidelines and policies, including consideration of the developmental age of the student, history of problem behaviors and the nature of the behavior. The parents of both the victim and perpetrator shall be informed of the results of the complaint investigation. If, during the investigation, it is determined that a complaint of bullying is discriminatory, the complaint shall be resolved in accordance with law and the district's uniform complaint procedure specified in AR 1312.3.

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When a student is reported to be engaging in bullying off campus, the Principal or designee shall investigate and document the activity. If appropriate, the Principal or designee shall identify the specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance. When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. If the student is using a social networking site or service to bully or harass another student, the Superintendent or designee also may file a request with the Internet site or service to suspend the privileges of the student and to have the material removed.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations. (*cf. 5144 – Discipline and 5144.1 - Suspension and Expulsion/Due Process*) (*cf. 5144.2 – Suspension/Expulsion, Students with Disabilities & 6159.4 Behavioral Interventions, Sp Ed Students*)

Retaliation against a student because the student has filed a complaint or assisted or participated in a bullying investigation is prohibited. Students who knowingly file false bullying complaints or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy. Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations. Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

Legal Reference:

EDUCATION CODE: 200-262.4 Prohibition of discrimination; 32282 Comprehensive safety plan 32283.5 Bullying; online training; 35181 Governing board policy on responsibilities of students 35291-35291.5 Rules; 48900-48925 Suspension or expulsion; 48985 Translation of notices 52060-52077 Local control and accountability plan

PENAL CODE: 422.5 Definition of Hate Crime; 647 Use of camera or other instrument to invade person's privacy; misdemeanor; 647.7 Use of camera or other instrument to invade person's privacy; punishment; 653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS: *J.C. v. Beverly Hills Unified School District*, (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District, (2002) 279 F.3d 719

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CODE OF REGULATIONS, TITLE 5

[4600-4687](#) Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.107](#) Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

[104.7](#) Designation of responsible employee for Section 504

[106.8](#) Designation of responsible employee for Title IX

[110.25](#) Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/l/s/ss>

Common Sense Media: <http://www.common sense media.org>

National School Safety Center: <http://www.schoolsafety.us>

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

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